

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

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ORETHA BEH, RUBY CASON, BRIANA
KINCANNON and KIMBERLY BALKUM,
*Individually and on behalf of all persons
similarly situated,*

Plaintiffs,

-against-

Civ. No.: 19-cv-01417-LJV

COMMUNITY CARE COMPANIONS INC.,
ALEXANDER J. CARO, MARK GATIEN,
INTERIM HEALTHCARE OF ROCHESTER,
INC., and JAMES WATSON,

Defendants.

.....X

DEFENDANTS COMMUNITY CARE COMPANIONS, INC.,
MARK GATIEN, AND ALEXANDER CARO’S
NOTICE OF MOTION TO DISMISS THE COMPLAINT
PURSUANT TO RULE 12(B)(6)

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants Community Care Companions, Inc., Mark Gatien, and Alexander Caro’s (“Defendants”) Motion to Dismiss the Complaint in the above-referenced action, and all prior pleadings had herein, Defendants, by and through their undersigned counsel, will move this Court before the Hon. Lawrence J. Vilardo, United States District Judge, at the United States District Court for the Western District of New York, Robert H. Jackson United States Courthouse, 2 Niagara Square, Buffalo, New York 14202, at a time and date to be determined by the Court, for an order granting Defendants’ Motion to Dismiss the Complaint pursuant to Rule 12(b)(6), and for

such other and further relief as the Court deems just and proper, including costs and reasonable attorneys' fees.

PLEASE TAKE FURTHER NOTICE that, Defendants intend to file and serve reply papers as permitted by the Federal Rules of Civil Procedure, the Court, and/or this Court's Local Rules of Civil Procedure.

Respectfully submitted this 20th day of December, 2019.

/s/ Noel P. Tripp

Noel P. Tripp

Brian J. Shenker

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Attorneys for Defendants

Community Care Companions, Inc.,

Mark Gatien, and Alexander Caro

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of December 2019, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Western District's Local Rules, and/or the Western District's Rules on Electronic Service upon the following parties and participants:

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/s/ Noel P. Tripp

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